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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,752	04/17/2001	James D. Bennett	P93-00-AC	8896

7590

05/20/2005

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EXAMINER

KNEPPER, DAVID D

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/837,752	<b>Applicant(s)</b> BENNET ET AL	
	<b>Examiner</b> David D. Knepper	<b>Art Unit</b> 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Applicant's correspondence filed on 24 December 2004 which includes an Amendment and Request for Continued Examination (RCE) has been received and considered. Claim 11 is pending. Claims 1-10 have been canceled.

### Claims

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over Stentiford (5,384,701) in view of Toma (4,706,212).

Claim 11 is taught or suggested by Stentiford's figure 1:

“receiving into a transcription system, in real-time, representations of words spoken in a first language, during a testimonial proceeding, without requiring confirmation of said representations” (his speech input 3 and also alternative input: text in first language 5);

“converting, in real-time, said representations to text” (his speech recognition 4 – see also col. 7, line 41 where speech-to-text);

“translating...the text in the first language to text in a second language (taught by his translating phrases from a first language into a second language, col. 1, lines 52-53 and his); and

“communicating the text in the second language to a terminal for real-time display” (suggested by his alternative text output in second language 12, fig. 1 – since he also teaches audible output via speech synthesis as an alternative, it is considered inherent with his inclusion of a standard computer such as the IBM PC XT (col. 2, line 40) that the text output would be a visual display of said text – he explicitly teaches the use of first and second terminals to provide two way communication in column 6, lines 41-53 and also his text output 8 and output 10, col. 2, lines 53-58).

It is noted that Stentiford does not explicitly teach that his translation system is operating “during a testimonial proceeding”. However, he clearly recognizes the usefulness of translation systems as an aid for professional translations... and as a needed improvement for ‘real-time’ speech operation (col. 1, lines 33-50). This background and summary indicates that it he desires his language translation system to be used for professional applications requiring real-time operation. Thus, it would be obvious to use his device in any situation requiring a professional translation in real-time to include a “testimonial proceeding.”

It is also noted that Stentiford does not explicitly teach the negative limitation “without requiring confirmation of said representation”. However, Stentiford clearly teaches in column 1 lines 38-65 that “real-time” processing is desirable and that the only reason he suggests input confirmation is to improve accuracy by giving the user a chance to make corrections (col. 1, line 68-col., line 3). Toma teaches that it is well known to perform translation automatically from a

source language into a target language (col. 3, lines 26-28) because he invented a method using linguistic information yielding great accuracy which is a great improvement over previous systems' failures (see his Background cols. 1-2 and Summary, especially col. 3, line 60-col. 7). Therefore, it would have been obvious to improve the translation method of Stentiford with an automatic translation method using improved linguistic information such as Toma's because Toma teaches that his method will automatically produce accurate translations without the need for manual corrections.

#### **Remarks**

4. The applicants' arguments are not persuasive. The applicant argues, for example, that in the system of Stentiford, a review is necessary and would cause an unacceptable amount of additional time. To the contrary, applicant's invention requires constant input by a person but Stentiford only requires confirmation of each phrase. That is, while Stentiford teaches that it is obvious to utilize text input, he also teaches that automatic speech recognition could be used thereby significantly reducing the keystrokes required by a typist or stenographer. Stentiford allows for speech recognition which obviates the need for manual input for "converting, in real-time, said representations to text". Thus, Stentiford's system would be much faster than the applicant's, depending on how many words are contained in each phrase as it is spoken.

A secondary reference (Toma) was utilized to show that it is well-known to perform translation automatically "without requiring confirmation". Both Toma and Stentiford teach language translation systems so are related improvements in the same field of invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper  
Primary Examiner  
**Art Unit 2654**  
May 12, 2005